



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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07/920,519 07/28/92 CAPUT

D 16781/276

EXAMINER  
SCHMICKEL, D

18M2/0531

FOLEY & LARDNER  
SUITE 500  
3000 K STREET, NW  
WASH, DC 20007-5109

ART UNIT	PAPER NUMBER
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1814

28

DATE MAILED: 05/31/94

### NOTICE OF ALLOWABILITY

#### PART I

1. ☒ This communication is responsive to Examiner Interview on 5/13/94
2. ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. ☒ The allowed claims are 1-7 & 27 & 28
4. ☐ The drawings filed on \_\_\_\_\_ are acceptable.
5. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
6. ☐ Note the attached Examiner's Amendment.
7. ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
8. ☒ Note the attached Examiner's Statement of Reasons for Allowance.
9. ☐ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
10. ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

#### PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. ☒ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - a. ☒ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 9. CORRECTION IS REQUIRED.
  - b. ☐ The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - c. ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
  - d. ☒ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

#### Attachments:

- |   |  |
|---|--|
| <input type="checkbox"/> Examiner's Amendment                                   | <input type="checkbox"/> Notice of Informal Application, PTO-152 |
| <input checked="" type="checkbox"/> Examiner Interview Summary Record, PTOL-413 | <input type="checkbox"/> Notice re Patent Drawings, PTO-948      |
| <input checked="" type="checkbox"/> Reasons for Allowance                       | <input type="checkbox"/> Listing of Bonded Draftsmen             |
| <input type="checkbox"/> Notice of References Cited, PTO-892                    | <input type="checkbox"/> Other                                   |
| <input type="checkbox"/> Information Disclosure Citation, PTO-1449              |  |

  
ROBERT A. WAX  
SUPERVISORY PATENT EXAMINER  
GROUP 180

Serial Number: 07/920,519  
Art Unit: 1814

-2-

1. An extension of time under 37 C.F.R. § 1.136(a) is required to place this application in condition for allowance. During a telephone conversation conducted on May 3, 1994, Steve Highlander requested an extension of time for 1 month and authorized the Commissioner to charge Deposit Account No. 19-0741 the required fee of \$ 110 for this extension.

2. The following is an Examiner's Statement of Reasons for Allowance:

Applicants claim a urate oxidase molecule at a concentrations that was not known in the prior art and was purified from A. flavis. A urate oxidase was known and patented (Labourer et al.) that was isolated from A. flavis in the art but it appears to be a different molecule or to be contaminated such that one of ordinary skill in the art could not obtain a pure enough molecule so as to isolate the gene that encodes the protein. Further, even if the claimed enzyme is the same as the enzyme previously isolated the purification schemes that are known in prior art appear to be inadequate to sufficiently purify the instantly claimed enzyme.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Schmickel whose telephone number is (703) 308-4202.



David Schmickel, Ph.D.  
May 2, 1994



ROBERT A. WAX  
SUPERVISORY PATENT EXAMINER  
GROUP 180



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: Box ISSUE FEE  
COMMISSIONER OF PATENTS AND TRADEMARKS  
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18M2/0531

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**NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE**

- ☐ Note attached communication from the Examiner  
☐ This notice is issued in view of applicant's communication filed \_\_\_\_\_

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/920,519	07/28/92	009	SCHMICKEL, D	1814 05/31/94
First Named Applicant CAPUT, DANIEL				

TITLE OF INVENTION  
URATE OXIDASE ACTIVITY PROTEIN, RECOMBINANT GENE CODING THEREFOR,  
EXPRESSION VECTOR, MICROORGANISMS AND TRANSFORMED CELLS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE.	SMALL ENTITY	FEE DUE	DATE DUE
1 16781/276	435-191.000	B21	UTILITY	NO	\$1170.00	08/31/94

**THE FEE DUE IS THE AMOUNT IN EFFECT AT THIS TIME. IF THE AMOUNT OF THE ISSUE FEE INCREASES PRIOR TO PAYMENT, APPLICANT WILL BE NOTIFIED OF THE BALANCE OF ISSUE FEE DUE.**

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.**

**PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY Status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
  - B. If the Status is the same, pay the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.
- III. All communications regarding this application must give series code (or filing date) and serial number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to contrary.

If the SMALL ENTITY is shown as NO:  
A. Pay FEE DUE shown above, or  
B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY